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6 **UNITED STATES DISTRICT COURT**
7 **NORTHERN DISTRICT OF CALIFORNIA**
8 **SAN FRANCISCO DIVISION**
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10 MIKE REDFORD,

11 Plaintiff,

12 v.

13 IRON PLANET INC. and UNKNOWN SELLER
14 INC.,

15 Defendants.
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17

Case Number 11-cv-04145 NC

ORDER TO SHOW CAUSE

18 Redford filed this action for violations of article 9 of the Uniform Commercial Code on
19 August 22, 2011. Dkt. No. 1, Compl. at 2-3. As of the date of this order, Defendants have not
20 been served with a summons and a copy of the complaint. Federal Rule of Civil Procedure 4(m)
21 provides that if a defendant is not served within 120 days after the complaint is filed, the court
22 may dismiss the action after notice to the plaintiff. As more than 120 days have passed since
23 Redford filed the complaint, Redford must show cause by February 22, 2012, why this action
24 should not be dismissed under Rule 4(m).

25 Also by February 22, 2012, Redford must show cause why this action should not be
26 dismissed for lack of subject matter jurisdiction. Redford has the burden of establishing in his
27 complaint that diversity of citizenship under 28 U.S.C. § 1332 exists, but he has not met this
28 burden. *See Bautista v. Pan American World Airlines, Inc.*, 828 F.2d 546, 552 (9th Cir. 1987)
("The essential elements of diversity jurisdiction, including the diverse residence of all parties,

1 must be affirmatively alleged in the pleadings.”) (citations and internal quotation marks omitted).
2 Redford alleges that defendants are residents of Alameda County, California but does not allege
3 the state in which he was domiciled at the time he filed this action. Compl. at 6.

4 IT IS SO ORDERED.

5 DATED: February 2, 2012


NATHANAEL M. COUSINS
United States Magistrate Judge